

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	Customer No.:	49,637
)		
Robert Lennie, et al.	)	Confirmation No.:	1207
(now Greg A. Arnold, et al.))		
	)	Group Art Unit:	2134
Patent No.: 6,836,845)		
	)	Examiner:	Simitoski, Michael J.
Issued: December 28, 2004)		
	)	Docket No.:	2930.ACCESS.ASA
Serial No.: 09/608,670)		
)		
Filed: June 30, 2000)		
)		
For: METHOD AND APPARATUS FOR)		
GENERATING QUERIES FOR)		
SECURE AUTHENTICATION)		
AND AUTHORIZATION OF)		
TRANSACTIONS)		

LETTER

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner discovered upon examination of a continuation patent application (serial no. 10/859,660) of the above-referenced issued patent that one of the copies of the Oath and Declaration submitted contained an additional inventor (Greg A. Arnold) when compared to the other copies. Further, that copy of the Oath and Declaration, although indicating that Greg Arnold is an inventor did not include his signature. Upon noticing this inconsistency (not previously addressed by the Patent Office), the Examiner of the continuation application recently

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via electronic filing (EFS-Web) on the date shown below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 19, 2008
Date of Transmission

/Reena Kuyper/
Reena Kuyper

issued a PTO notice dated May 19, 2008, requiring the Applicants to correct this issue by either submitting a supplemental Oath and Declaration providing the signature of Greg A. Arnold or deleting him as an inventor. The notice indicates that failure to provide such a correction will result in abandonment of the continuation application.

On reviewing all the files and records relating to this issued patent provided by prior counsel, a signed Oath and Declaration from inventor Greg A. Arnold was discovered. This document was obviously inadvertently omitted by prior counsel and went unnoticed by the Patent Office. The undersigned is submitting the Oath and Declaration signed by Greg A. Arnold with respect to Patent No. 6,836,845. A copy of the concurrent submission in the continuation application is also attached here as Exhibit A.

Currently, there are only three inventors named on the face of the issued patent, which should be corrected to name all four inventors, specifically:

- 1) Greg A. Arnold,
- 2) Robert Lennie,
- 3) Carl Chen, and
- 4) Gabe Dalbec.

In compliance with 37 CFR 1.63 (b)(1)¹, the supplemental Oath and Declaration submitted now identifies the title of the specification to which it is directed, that of the above-

¹ **MPEP section 602:**

I. VI. IDENTIFICATION OF APPLICATION

37 CFR 1.63 requires that an oath or declaration identify the specification to which it is directed. The declaration form suggested by the Office includes spaces for filling in the names of the inventors, title of the invention, application number, filing date, and foreign priority application information. While this information should be provided, it is not essential that all of these spaces be completed in order to adequately identify the specification in compliance with 37 CFR 1.63(b)(1).

The following combination of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

- (A) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;
- (B) name of inventor(s), and attorney docket number which was on the specification as filed; or
- (C) name of inventor(s), and title of the invention which was on the specification as filed.

Filing dates are granted on applications filed without an oath or declaration in compliance with 37 CFR 1.63, the oath or declaration being filed later with a surcharge. The following combinations of information supplied in an oath or declaration filed after the filing date of the application are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

referenced issued patent (the same specification as the continuation application 10/859,660) and it identifies all four inventors, specifically:

- 1) Greg A. Arnold,
- 2) Robert Lennie,
- 3) Carl Chen, and
- 4) Gabe Dalbec.

and includes their signatures.

This declaration does not reference the serial because it was signed before the serial number was assigned by the U.S. Patent Office. Moreover, three of the four inventors are no longer employees.

Therefore, the Patent Office is respectfully requested to accept this declaration and to issue a certificate of correction naming all four inventors in the above Letters Patent. A copy of PTO 1050 (Certificate of Correction) is also enclosed.

Should the Examiner or any of the personnel handling this matter at the Patent Office have any questions about this submission, he or she is invited to call the undersigned to expedite resolution thereof. Please charge any fee set forth required for this submission, or any other fee or credit any overpayment, to our Deposit Account **50-3102**.

Respectfully submitted,

BERRY & ASSOCIATES P.C.

Dated: August 19, 2008

By: /Reena Kuyper/
Reena Kuyper
Registration No. 33,830

9255 Sunset Blvd., Suite 810
Los Angeles, CA 90069
(310) 247-2860

(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
(B) serial number and filing date;
(C) attorney docket number which was on the specification as filed;
(D) title of the invention which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
(E) title of the invention which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the USPTO is the application which the inventor(s) executed by signing the oath or declaration.

Declaration and Power of Attorney for a Patent Application

Declaration

As below named inventor, I hereby declare that my residence post office address, and citizenship are as stated below my name. Further, I hereby declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR GENERATING QUERIES FOR SECURE AUTHENTICATION AND
AUTHORIZATION OF TRANSACTIONS

the specification of which:

 X is attached hereto, or
..... was filed on as application serial no. : and
..... was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; and

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

Foreign Priority Claim

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Number	Country	Date Filed	Priority Claimed
.....	yes no
.....	yes no

U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Filing Date	Status (patented/pending/abandoned)
.....
.....

Power of Attorney

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent Trademark Office connected therewith.

<u>James P. Hao</u>	Registration No.: <u>36,398</u>
<u>Anthony C. Murabito</u>	Registration No.: <u>35,295</u>
<u>John P. Wagner</u>	Registration No.: <u>35,398</u>
<u>Glenn D. Barnes</u>	Registration No.: <u>42,293</u>
<u>Thomas M. Catale</u>	Registration No.: <u>46,434</u>
<u>Jose S. Garcia</u>	Registration No.: <u>43,628</u>
<u>Kenneth N. Glass</u>	Registration No.: <u>42,587</u>
<u>Wilfred H. Lam</u>	Registration No.: <u>41,923</u>
<u>Patrick W. Ma</u>	Registration No.: <u>44,215</u>
<u>Christopher R. Novak</u>	Registration No.: <u>42,041</u>
<u>Ronald M. Pomeroy</u>	Registration No.: <u>43,009</u>
<u>William A. Zarbis</u>	Registration No.: <u>46,120</u>
<u>John F. Ryan</u>	Registration No.: <u>P-47,050</u>

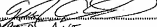
Send Correspondence to:

WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060

Signatures

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor: Greg A. Arnold

Inventor's Signature  Date 6/30/2000
Residence 1086 HARPER AVE Citizenship USA
(City) (State)
P.O. Address 1086 HARPER AVE, SUNNYVALE, CA 94087

Full Name of Second/Joint Inventor: Robert Lennie

Inventor's Signature _____ Date _____
Residence Sunnyvale, California Citizenship United Kingdom
(City) (State)
P.O. Address 517 Kinross Court, Sunnyvale, California 94087

Full Name of Third/Joint Inventor: **Carl Chen**

Inventor's Signature

Residence

P.O. Address

(City)

(State)

Date

Citizenship

Full Name of Fourth/Joint Inventor: **Gabe Dalbec**

Inventor's Signature

Residence

P.O. Address

(City)

(State)

Date

Citizenship

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	Customer No.:	49,637
)		
Robert Lennie, et al.	)	Confirmation No.:	7433
(now Greg A. Arnold, et al.))		
	)	Group Art Unit:	2134
Serial No.:)		
10/859,660	)	Examiner:	Simitoski, Michael J.
)		
Filed:	)	Attorney Docket No.:	2930.ACCESS.ASA.CON
June 2, 2004)		
	)	Notice dated:	May 19, 2008
For:)		
METHOD AND APPARATUS FOR)		
GENERATING QUERIES FOR)		
SECURE AUTHENTICATION)		
AND AUTHORIZATION OF)		
TRANSACTIONS)		

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Examiner's notice dated May 19, 2008, concerning the Oath and Declaration by Inventors previously submitted in the above-referenced patent application. The Examiner discovered upon examination of the present continuation patent application that one of the copies of the Oath and Declaration submitted contained an additional inventor (Greg A. Arnold) when compared to the other copies. Further, that copy of the Oath and Declaration, although indicating that Greg Arnold is an inventor did not include his signature. Upon noticing this inconsistency (not previously addressed by the Patent Office in the parent case), the

CERTIFICATE OF TRANSMISSION

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August 19, 2008
Date of Transmission

/Reena Kuyper/
Reena Kuyper

Examiner of the continuation application recently issued a PTO notice dated May 19, 2008, requiring Applicants to correct this issue by either submitting a supplemental Oath and Declaration providing the signature of Greg A. Arnold or deleting him as an inventor. The notice indicates that failure to provide such a correction will result in abandonment of the continuation application.

On reviewing all the files and records relating to the parent issued patent provided by prior counsel, a signed Oath and Declaration from inventor Greg A. Arnold was discovered. This document was obviously inadvertently omitted by prior counsel and went unnoticed by the Patent Office. The undersigned is submitting a supplemental Oath and Declaration signed by Greg A. Arnold with respect to Patent No. 6,836,845. Therefore, there are four inventors, specifically:

- 1) Greg A. Arnold,
- 2) Robert Lennie,
- 3) Carl Chen, and
- 4) Gabe Dalbec.

In compliance with 37 CFR 1.63 (b)(1)¹, the Oath and Declaration identifies the title of the specification to which it is directed, that of the parent issued patent (the same as the present application) and identifies all four inventors, specifically:

¹ **MPEP section 602:**

I. VI. IDENTIFICATION OF APPLICATION

37 CFR 1.63 requires that an oath or declaration identify the specification to which it is directed. The declaration form suggested by the Office includes spaces for filling in the names of the inventors, title of the invention, application number, filing date, and foreign priority application information. While this information should be provided, it is not essential that all of these spaces be completed in order to adequately identify the specification in compliance with 37 CFR 1.63(b)(1).

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(B) name of inventor(s), and attorney docket number which was on the specification as filed; or
(C) name of inventor(s), and title of the invention which was on the specification as filed.

Filing dates are granted on applications filed without an oath or declaration in compliance with 37 CFR 1.63, the oath or declaration being filed later with a surcharge. The following combinations of information supplied in an oath or declaration filed after the filing date of the application are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

Application No.: 10/859,660
Reply to Notice dated: May 19, 2008

- 1) Greg A. Arnold,
- 2) Robert Lennie,
- 3) Carl Chen, and
- 4) Gabe Dalbec.

and includes their signatures. This declaration does not reference the serial because it was signed before the serial number was assigned by the U.S. Patent Office. Moreover, three of the four inventors are no longer employees. The Patent Office is respectfully requested to accept this declaration.

Should the Examiner or any of the personnel handling this matter at the Patent Office have any questions about this submission, he or she is invited to call the undersigned to expedite resolution of this matter and to allow this application to pass to issue. Please charge any fee set forth required for this submission, or any other fee or credit any overpayment, to our Deposit Account **50-3102**.

Respectfully submitted,

BERRY & ASSOCIATES P.C.

Dated: August 19, 2008

By: /Reena Kuyper/
Reena Kuyper
Registration No. 33,830

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Los Angeles, CA 90069
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(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
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(D) title of the invention which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
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Declaration and Power of Attorney for a Patent Application

Declaration

As below named inventor, I hereby declare that my residence post office address, and citizenship are as stated below my name. Further, I hereby declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR GENERATING QUERIES FOR SECURE AUTHENTICATION AND
AUTHORIZATION OF TRANSACTIONS

the specification of which:

☒ is attached hereto, or
was filed on _____ as application serial no. _____ : and
was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; and

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

Foreign Priority Claim

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Number	Country	Date Filed	Priority Claimed
_____	_____	_____	yes no
_____	_____	_____	yes no

U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

Serial Number	Filing Date	Status (patented/pending/abandoned)
_____	_____	_____
_____	_____	_____

Power of Attorney

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent Trademark Office connected therewith.

James P. Hao	Registration No.: 36,398
Anthony C. Murabito	Registration No.: 35,295
John P. Wagner	Registration No.: 35,398
Glenn D. Barnes	Registration No.: 42,293
Thomas M. Catale	Registration No.: 46,434
Jose S. Garcia	Registration No.: 43,628
Kenneth N. Glass	Registration No.: 42,587
Wilfred H. Lam	Registration No.: 41,923
Patrick W. Ma	Registration No.: 44,215
Christopher R. Novak	Registration No.: 42,041
Ronald M. Pomeranke	Registration No.: 43,009
William A. Zarbis	Registration No.: 46,120
John F. Ryan	Registration No.: P-47,050

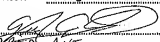
Send Correspondence to:

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San Jose, California 95113
(408) 938-9060

Signatures

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor: **Greg A. Arnold**

Inventor's Signature x  Date x **6/30/2000**

Residence **1086 HARPER AVE** Citizenship **USA**
(City State)

P.O. Address **1086 HARPER AVE, SUNNYVALE, CA 94087**

Full Name of Second/Joint Inventor: **Robert Lennie**

Inventor's Signature _____ Date _____

Residence **Sunnyvale, California** Citizenship **United Kingdom**
(City State)

P.O. Address **517 Kinross Court, Sunnyvale, California 94087**

Full Name of Third/Joint Inventor: **Carl Chen**

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City State)

P.O. Address _____

Full Name of Fourth/Joint Inventor: **Gabe Dalbec**

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City State)

P.O. Address _____

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 6,836,845
APPLICATION NO.: 09/608,670
ISSUE DATE : December 28, 2004
INVENTOR(S) : Greg A. Arnold, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the patent cover page:

Inventors should be:

Greg A. Arnold, Sunnyvale, CA (US);
Robert Lennie, Sunnyvale, CA (US);
Carl Chen, Mountain View, CA (US);
Gabe Dalbec, San Jose, CA (US)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.